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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,887	11/08/2001	Jeong-Kyu Moon	678-665 (9721)	5279
7590	11/17/2003		EXAMINER	
Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553			GAUTHIER, GERALD	
		ART UNIT	PAPER NUMBER	3
		2645		

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/008,887	MOON, JEONG-KYU	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whalen et al. (US 5,948,066) in view of McKeen et al. (US 6,321,253).**

Regarding **claim 1**, Whalen discloses a method for delivery of information over narrow-band communications links (column 1, lines 6-9), (which reads on claimed "an Internet access control method in a mobile communication terminal with a built-in web browser"), comprising the steps of:

- (a) upon receipt of an Internet access request from a user (column 3, line 40 "mobile user's browser"), accessing web server (30 on FIG. 1) through an Internet (column 3, lines 38-67) [The mobile user opens a URL, the browser submits the request to the mobile client];
- (b) downloading a web document (column 4, line 34 "an HTML page") from the web server and displaying the downloaded web document (column 4, lines 22-54) [The HTML page contains image, java applets sounds which is available for the browser to properly display the page];

Art Unit: 2645

- (c) upon receipt of a data input (column 5, line 55 "a request") from the user while displaying the web document, performing an operation according to the data input (column 5, lines 42-62) [The browser issues a request for any dependent resource and the software respond immediately to the request]; and
- (e) returning to step (a), upon receipt of a web command (column 7, line 23 "to submit a different request") from the user (column 7, lines 16-28) [The general information gives the mobile user an opportunity to submit a different request].

Whalen fails to disclose temporarily releasing an access to the Internet.

However, McKeen teaches

- (d) temporarily releasing an access to the Internet (column 1, line 35 "Internet access, they typically terminate"), upon failure to receive any web command (column 1, line 36 "user is inactive") from the user for a predetermined time after displaying the web document (column 1, lines 28-41) [The ISP terminates a connection to the Internet if the user is inactive for a period of time].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the Internet service provider that terminates the Internet connection when the user is inactive of McKeen in the Internet origin host of Whalen.

The modification of the invention would offer the capability of the Internet service provider that terminates the Internet connection when the user is inactive such as the system would allow a single communication line for Internet and telephone access.

Regarding **claim 2**, McKeen teaches wherein step (d) comprises the steps of: determining if a web command has been input from the user (column 4, lines 17-33);

determining whether the predetermined time has elapsed (column 1, lines 28-41); and

upon failure to receive the web command from the user before a lapse of the predetermined time, temporarily releasing the Internet access to the web server to enable the mobile communication terminal to receive an incoming call (column 1, lines 28-41).

Regarding **claim 3**, McKeen teaches wherein step (c) comprises the steps of: upon receipt of a web command from the user, returning to step (a) (column 4, lines 17-33); and

upon receipt of an Internet access end request from the user, releasing an access to the Internet (column 1, lines 28-41).

Regarding **claim 4**, McKeen teaches the step of releasing an access to the Internet upon receipt of an Internet access end request from the user in step (d) (column 1, lines 28-41).

Regarding **claim 5**, Whalen discloses wherein the predetermined time is set by the user (column 3, lines 38-67) .

Regarding **claim 6**, Whalen discloses wherein the web command is issued when the user inputs a URL (Uniform Resource Locator), clicks a hyperlink on the displayed web document, or refreshes the displayed web document (column 3, lines 38-67).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shibata et al. is cited for a system of distributing music contents from server (FIG. 1).

Chen et al. is cited for a method for carrying packetized voice and data in wireless communication networks (FIG. 1).

Theimer is cited for mobile telephone for Internet applications (FIG. 1).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Art Unit: 2645

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*Gerald G. Tsang*

g.g.

November 12, 2003

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